

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:05CR34-P-B

ORLANDO LEWAYNE PILCHER,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's July 7, 2005 Motion to continue trial. Upon due consideration of the motion the court finds as follows, to-wit:

Trial is currently set for July 18, 2005. Defense counsel avers that he needs additional time in which to investigate the defendant's assertion that additional evidence can be discovered that will assist him. Counsel advises that the Government does not object to a continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from June 27, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's July 7, 2005 Motion to continue trial is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, September 12, 2005 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from July 18, 2005 to September 12, 2005 is excluded as set out above;

(4) The deadline for filing pretrial motions is August 29, 2005; and

(5) The deadline for submitting a plea agreement is September 5, 2005.

SO ORDERED, this 8th day of July, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE